

THE COUNCIL OF THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA, MET IN REGULAR SESSION IN CITY COUNCIL CHAMBERS AT THE CITY HALL, 200 SOUTH FIRST, IN SAID CITY ON THE 1ST DAY OF MARCH, 2004, AT 7:00 O'CLOCK P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2004 having been given in writing to the Clerk of the municipality on or before December 15, 2003, and public notice of this meeting with an agenda having been posted in prominent view at the entry to City Hall at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays, and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

Thereupon, the Mayor introduced the proposed municipal ordinance set forth herein below, which proposed ordinance was read in full. Council member _____, moved the adoption of said ordinance, which motion was seconded by Council member _____, whereupon the roll was called on the question of the adoption thereof, resulting in the adoption of said ordinance by the following vote:

AYE:

NAY:

The Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. 2614

AN ORDINANCE NOT TO BE CODIFIED, AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF BROKEN ARROW, OKLAHOMA, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AMOUNTS NOT TO EXCEED THE FOLLOWING SUMS: TWENTY SEVEN MILLION THREE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$27,375,000) FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, IMPROVING AND REPAIRING STREETS WITHIN SAID CITY; TWELVE MILLION SEVEN HUNDRED SEVENTY THOUSAND DOLLARS (\$12,770,000) FOR THE PURPOSE OF PURCHASING, CONSTRUCTING AND REPAIRING PUBLIC SAFETY UTILITIES TO BE OWNED EXCLUSIVELY BY SAID CITY; FIVE MILLION ONE HUNDRED FIFTY FIVE THOUSAND DOLLARS (\$5,155,000) FOR THE PURPOSE OF PURCHASING, CONSTRUCTING AND REPAIRING PARKS

AND RECREATION UTILITIES TO BE OWNED EXCLUSIVELY BY SAID CITY; AND EIGHT MILLION SEVENTY FIVE THOUSAND DOLLARS (\$8,075,000) FOR THE PURPOSE OF PURCHASING AND CONSTRUCTING PUBLIC BUILDINGS TO BE OWNED EXCLUSIVELY BY SAID CITY; ALL OF THE FOREGOING AMOUNTS INCLUDING COSTS OF ISSUANCE; LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST ON AND PRINCIPAL OF SAID BONDS; AUTHORIZING THE MAYOR TO CALL THE ELECTION BY PROCLAMATION AND REQUESTING THE TULSA COUNTY ELECTION BOARD TO CONDUCT SAID ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, it is deemed advisable by the City of Broken Arrow, Oklahoma, to construct, reconstruct, improve or repair certain streets within the City and the estimated amount necessary to finance such street improvements, including costs of issuance, is the sum of Twenty Seven Million Three Hundred Seventy Five Thousand Dollars (\$27,375,000); and,

WHEREAS, it is deemed advisable by the City of Broken Arrow, Oklahoma, to purchase, construct, furnish and equip public safety utilities within the City and the estimated amount necessary to finance such public safety improvements, including costs of issuance, is the sum of Twelve Million Seven Hundred Seventy Thousand Dollars (\$12,770,000); and,

WHEREAS, it is deemed advisable by the City of Broken Arrow, Oklahoma, to purchase, construct, furnish and equip improvements to the parks and recreation utilities of the City and the estimated amount necessary to finance such parks and recreation system improvements, including costs of issuance, is the sum of Five Million One Hundred Fifty Five Thousand Dollars (\$5,155,000); and

WHEREAS, it is deemed advisable by the City of Broken Arrow, Oklahoma, to purchase, construct, furnish and equip public buildings within the City and the estimated amount necessary to finance such facilities, including costs of issuance, is Eight Million Seventy Five Thousand Dollars (\$8,075,000); and

WHEREAS, there are no funds in the treasury for such purposes, and power is granted said City by Article 10, Section 27 of the Constitution and laws of the State of Oklahoma, to issue bonds to provide funds for such purposes, provided the same be authorized by the registered qualified voters thereof, voting at an election held for such purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:

Section 1. That the Mayor of said City be, and is hereby authorized and directed to call an election to be held in said City on the 11th day of May, 2004, for the purpose of submitting to the

registered qualified voters thereof the following propositions:

PROPOSITION NUMBER 1

“Shall the City of Broken Arrow, Oklahoma, incur an indebtedness by issuing its bonds in an amount not to exceed the sum of Twenty Seven Million Three Hundred Seventy Five Thousand Dollars (\$27,375,000) pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma to provide funds for the purpose of constructing and repairing streets within the City and levy and collect an annual tax, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking funds for the payment of the principal thereof when due, said bonds to bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within fifteen (15) years from their date?”

PROPOSITION NUMBER 2

“Shall the City of Broken Arrow, Oklahoma, incur an indebtedness by issuing its bonds in an amount not to exceed the sum of Twelve Million Seven Hundred Seventy Thousand Dollars (\$12,770,000) pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma to provide funds for the purpose of purchasing, constructing, and repairing public safety utilities within the City, to be owned exclusively by the City, and levy and collect an annual tax, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking funds for the payment of the principal thereof when due, said bonds to bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within fifteen (15) years from their date?”

PROPOSITION NUMBER 3

“Shall the City of Broken Arrow, Oklahoma, incur an indebtedness by issuing its bonds in an amount not to exceed the sum of Five Million One Hundred Fifty Five Thousand Dollars (\$5,155,000) pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma to provide funds for the purpose of purchasing, constructing and repairing parks and recreation utilities of the City, to be owned exclusively by the City, and levy and collect an annual tax, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within fifteen (15) years from their date?”

PROPOSITION NUMBER 4

“Shall the City of Broken Arrow, Oklahoma, incur an indebtedness by issuing its

bonds in an amount not to exceed the sum of Eight Million Seventy Five Thousand Dollars (\$8,075,000) pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma to provide funds for the purpose of purchasing, constructing, furnishing and equipping public buildings, to be owned exclusively by the City, and levy and collect an annual tax, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within fifteen (15) years from their date?”

The ballots used at the election shall set out each of the propositions as above set forth and shall also contain, with respect to each proposition, the following words:

- ☐ FOR THE ABOVE PROPOSITION
- ☐ AGAINST THE ABOVE PROPOSITION

Section 2. (A) The specific projects for which at least seventy percent (70%) of the proceeds of the aforesaid \$27,375,000 street improvement bonds subject of Proposition Number 1 shall be expended, and the respective dollar amounts for such projects are as follows:

Widening Albany (61st Street South) to three lanes from 9th Street to 23rd Street, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.
\$1,320,000

Widening New Orleans (101st Street South) to five lanes from Elm Street to 9th Street, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.
\$1,550,000

Reconstruction of and improvements to the intersection at Elm Street and New Orleans, including relocation of signal lights and acquisition of easements and right-of-way.
\$460,000

Widening 9th Street (Lynn Lane) to three lanes from Omaha to Albany, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.
\$1,320,000

Resurfacing four lanes of Kenosha (71st Street) from 23rd Street to 93rd Street (approximately five and one-half miles), including drainage improvements, milling off existing surface and laying down approximately 2 inches of asphalt.
\$920,000

Widening New Orleans (101st Street) to three lanes from 9th to 23rd Street, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.
\$1,895,000

Widening Aspen (145th Street) to five lanes from New Orleans to Florence, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.

\$2,070,000

Widening Elm Street (161st Street) to three lanes from Tucson to Jasper, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.

\$1,150,000

Widening Olive (129th Street) to three lanes from Kenosha to Houston, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.

\$1,380,000

Widening Washington (91st Street) to three lanes from 1st Street to 9th Street, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.

\$1,435,000

Widening Kenosha (71st Street) to five lanes from 37th Street to Creek Turnpike, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.

\$1,035,000

Reconstruction of and improvements to the intersection at Olive and New Orleans, including relocation of signal lights and acquisition of easements and right-of-way.

\$745,000

Widening Kenosha (71st Street) to five lanes from 23rd Street to 37th Street, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.

\$1,895,000

Widening Olive (129th Street) to three lanes from Houston to Washington, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.

\$1,265,000

Widening Washington (91st Street) to four lanes from Elm Street to 1st Street, including storm sewers, curbs and gutters and acquisition of easements and right-of-way.

\$722,500

TOTAL \$19,162,500

(70% of \$27,375,000)

(B) The specific projects for which at least seventy percent (70%) of the proceeds of the aforesaid \$12,770,000 public safety utility bonds subject of Proposition Number 2 shall be expended, and the dollar amounts for each project shall be as follows:

Acquisition, construction, equipping and furnishing a new emergency operation center to be

located in south central Broken Arrow, including a new fire station to replace an existing fire station. The building would be a secured facility with hardened walls and constructed partially underground.

\$7,500,000

Renovation of the existing police department building, including exterior improvements to match the City's justice center.

\$545,000

Construction of Phase II to the existing police and fire Training Center, including meeting space and additional specialized training areas.

\$2,400,000

Acquisition, construction, equipping and furnishing of a new fire station in the southwest quadrant of the City.

\$2,050,000

Acquisition and installation of additional warning sirens to the City's civil defense program, including emergency warnings for adverse weather conditions and other emergency broadcasts.

\$275,000

TOTAL \$12,770,000

(C) The specific projects for which at least seventy percent (70%) of the proceeds of the aforesaid \$5,155,000 parks and recreation utility bonds subject of Proposition Number 3 shall be expended, and dollar amounts for each project shall be as follows:

Construction and equipping of Phase II of a youth football complex at Nienhuis Park, including additional parking, restrooms and additional football playing fields.

\$1,560,000

Replacement of baseball field lighting at the Indian Springs Sports Complex with more efficient and updated lighting.

\$455,000

Replacement of the existing spray and splash swimming pool at Haskell Park.

\$70,000

Improvements at Nienhuis Park, including installation of spectator seating, construction of the parks department maintenance facility and two picnic shelters and installation of a new play system and skate board park.

\$455,000

Construction, equipping and furnishing of a nature center at Ray Harrell Park.

\$585,000

Construction and improvements to Battle Creek Golf Course, including additional outside restrooms, expansion of the irrigation system and other improvements to the golf course.

\$750,000

Acquisition of land in Wagoner County for construction of a new community/fitness center.

\$1,000,000

Expansion and modernization of a portion of the Indian Springs Sports Complex, including new restroom and concession building in the old soccer complex area.

\$185,000

Construction of four new picnic shelters at parks within the City.

\$95,000

TOTAL \$5,155,000

(D) The specific projects for which at least seventy percent (70%) of the proceeds of the aforesaid \$8,075,000 public building bonds subject to Proposition Number 4 shall be expended, and dollar amounts for the project shall be as follows:

Acquisition, construction, equipping and furnishing a new one story conference/convention center to be located along the Broken Arrow Expressway comprising approximately 50,000 square feet.

\$6,575,000

Acquisition, construction, equipping and furnishing of a two-story public building consisting of approximately 8,000 square feet to serve as a historical museum and park in the downtown area of the City.

\$1,500,000

TOTAL \$8,075,000

Section 3. That the Mayor is authorized to issue a proclamation calling the election setting forth the propositions to be voted upon, the number and location of the polling places and the hours of opening and closing of the polls. That the ballots shall set forth the propositions to be voted upon substantially as set out in Section 1, hereof, and that the returns of said election shall be made to and canvassed by the Tulsa County Election Board.

Section 4. That by reason of said City being without adequate streets, public safety facilities, park and recreation facilities and convention/conference center facilities, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately from and after its passage and approval.

Adopted and approved this 1st day of March, 2004.

ATTEST:

(SEAL)

Mayor

City Clerk

APPROVED:

City Attorney

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

I, the undersigned, the duly qualified and acting Clerk of the City of Broken Arrow, Oklahoma, hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the calling and holding of an election for the purpose therein set out adopted by the City and transcript of proceedings of said City at a regular meeting thereof duly held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appear of record in my office.

I further certify that attached hereto is a true and complete copy of the public notice with an agenda posted at the entry to City Council Chambers in said municipality at least twenty-four (24) hours prior to the meeting wherein said Ordinance was adopted, excluding Saturdays, Sundays and legal holidays.

WITNESS my hand and seal this 1st day of March, 2004.

(SEAL)

City Clerk